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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAR 7 2006 ★
BROOKLYN OFFICE

>>> "Sam Dubbin" <sdubbin@dubbinkravetz.com> 2/22/2006 12:14 PM >>>

Mr. Issacharoff,

With respect to my letter of Feb. 17, I apologize for any misunderstanding. The letter does indeed show a copy to the Court but I did not in fact fax that letter to Judge Korman. The "cc" reference was my mistake. I did attach the letter as an exhibit to the Survivors' Supplemental Objections which I filed and served, to explain my clients' position concerning the need for other information.

As for the merits, for the reasons expressed in the US Survivors' Feb. 17 Supplemental Objections, I believe it is appropriate to obtain the information requested in the letter. Mr. Neuborne's declarations to the German Foundation arbitrators may have been confidential for that proceeding but if he referred to his pro bono status in the Swiss case in his declaration supporting his request for compensation from the German arbitrators, that would be relevant to his current fee request.

With respect to other time requested, the advisory committee notes say that discovery is within the court's discretion, and the circumstances here warrant such discovery. For example, in June 2001, in a news report about the German Foundation fees, Mr. Neuborne was reported in the New York Times as saying "There wasn't a day in the last four years that I haven't worked hard on this case." Those four years would have overlapped significantly with the periods for which fees are sought here. That, as well as the discrepancies in Mr. Neuborne's Swiss time records such as those noted in my clients' Supplemental Objections, make my request reasonable under the circumstances.

The request does not seek personal information, only time charged to the German case and other professional engagements for time periods overlapping with this request.

Sam Dubbin

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